

BETTY DICK RESIDENCE PROTECTION ACT

APRIL 25, 2006.—Referred to the Private Calendar and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

[To accompany S. 584]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (S. 584) to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 584 is to require the Secretary of the Interior to allow the continued occupancy and use of certain land and improvements within Rocky Mountain National Park.

BACKGROUND AND NEED FOR LEGISLATION

Fred and Marilyn Dick divorced in the mid-1970s and Marilyn Dick became the sole owner to a tract of land, but Fred Dick retained the right of first refusal to acquire the land if Marilyn Dick ever chose to sell it. In 1977, Marilyn Dick sold the tract to the National Park Service (NPS) as part of an addition to Rocky Mountain National Park, but Fred Dick, asserting his right of first refusal, sued to cancel the transaction. In 1980, the lawsuit was settled through an agreement between NPS and Mr. Dick and his heirs, successors and assigns.

Under the 1980 Agreement, Mr. Dick and his new wife, Betty Dick, were allowed to lease and occupy the 23-acre parcel for 25 years. Then, in 1992, Mr. Dick died, but Betty Dick has continued to lease and occupy the property under the terms of settlement agreement. The current lease expired on July 16, 2005.

While Ms. Dick would like to continue to occupy the property for the remainder of her life—she is 83 years old—NPS does not want to enter into a new agreement and requested that she vacate the property by July 16, 2005. In fact, NPS has indicated that it lacks the authority to resolve this matter by entering into a new agreement with Ms. Dick. Thus, absent a legislative directive, Ms. Dick must leave the property.

S. 584 would direct the Secretary of the Interior to permit Ms. Dick to continue to occupy and use the property for the remainder of her natural life. The bill reduces the acreage of her former lease from 23 acres to eight and ensures that the public shall have access to both banks of the main channel of the Colorado River.

COMMITTEE ACTION

S. 584 was introduced on March 9, 2005, by Senator Ken Salazar (D-CO). The Senate passed the bill by unanimous consent on November 16, 2005, and the bill was referred to the Committee on Resources. Within the Committee, the bill was referred to the Subcommittee on National Parks. On March 29, 2006, the Committee on Resources met to consider the bill. By unanimous consent, the Subcommittee on National Parks was discharged from further consideration of the bill. No amendments were offered, and S. 584 was ordered favorably reported to the House of Representatives by unanimous consent.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8, and Article IV, section 3 of the Constitution of the United States grant Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that Rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. This bill does not authorize funding and therefore, clause 3(c)(4) of rule XIII of the Rules of the House of Representatives does not apply.

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and

section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

S. 584—Betty Dick Residence Protection Act

S. 584 would permit continued occupancy and the use of certain lands within Rocky Mountain National Park. Specifically, the legislation would require the National Park Service (NPS) to extend the lease of 8 acres of public land to Betty Dick. CBO estimates that enacting this legislation would have no significant impact on the Federal budget.

Under a 1980 settlement agreement, Betty Dick's right to lease the land in the Rocky Mountain National Park expired after 25 years on July 16, 2005. However, Ms. Dick remained on the property through the summer season and left for the winter in late October 2005. Recently, NPS has offered Ms. Dick a two-year special use permit (with a future option) to allow her to use part of the property at a monthly rate of about \$317 (based on a five-month occupancy). S. 584 would require the NPS to allow Ms. Dick to lease part of the original property, which includes a seasonal residence and outbuildings, for the remainder of her life at a below-market rental price of \$300 per year.

The NPS currently receives no payments for the property, although it received \$7,500 in 1980 for a 25-year lease. NPS expects that the property could generate around \$6,300 in annual rental receipts if the property was leased at market rates. Under current law, proceeds from rental agreements are available for the agency to spend without appropriation action. Thus, CBO estimates that enacting S. 584 would have no significant effect on the Federal budget.

S. 584 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would have no significant impact on the budgets of State, local, or tribal governments.

On October 7, 2005, CBO transmitted a cost estimate for S. 584, as ordered reported by the Senate Committee on Energy and Natural Resources on September 28, 2005. On May 23, 2005, CBO transmitted a cost estimate for H.R. 432, the Betty Dick Residence Protection Act as ordered reported by the House Committee on Resources on May 18, 2005. The three pieces of legislation are similar, and the cost estimates are the same.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Robert A. Sunshine, Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

